

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Southern District of TexasHOUSTON Division

Case No.

4:19-CV-894

(to be filled in by the Clerk's Office)

CORNELIUS BROWN # 01060692

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MIKE STONE;
CHRIS DANIEL;
KIM OGG;

Ed GONZALEZ; MICHAEL MCSPADDEN

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

United States Courts
Southern District of Texas
FILED

MAR 11 2019

David J. Bradley, Clerk of Court

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name CORNELTIUS BROWN
 All other names by which
 you have been known: NEIL
 ID Number 01060492
 Current Institution HARRIS COUNTY SHERIFF'S OFFICE
 Address 1200 BAKER STREET
HOUSTON TX 77002
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name KIM OGG
 Job or Title (if known) DISTRICT ATTORNEY
 Shield Number UNKNOWN
 Employer City of Houston / Harris Co. District Attorney Office
 Address 1310 Prairie Street
HOUSTON TX 77002
City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name CHRIS DANIEL
 Job or Title (if known) EX-DISTRICT CLERK
 Shield Number UNKNOWN
 Employer CITY OF HOUSTON / HARRIS CO.
 Address 201 CAROLINE STREET
HOUSTON TX 77002
City State Zip Code
☒ Individual capacity ☒ Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name Ed GONZALEZ
 Job or Title (if known) SHERIFF
 Shield Number UNKNOWN
 Employer HARRIS COUNTY SHERIFF'S OFFICE
 Address 1200 BAKER STREET
HOUSTON TX 77002
City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name MIKE STONE
 Job or Title (if known) ATTORNEY
 Shield Number UNKNOWN
 Employer STONE'S LAW FIRM
 Address 4400 Post Oak Parkway, SUITE 2700
HOUSTON TX 77027
City State Zip Code
☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

FALSE IMPRISONMENT / AMENDMENT VIII

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. (Sheriff Ed Gonzalez) Approval to accept an INNOCENT MAN TO FALSE IMPRISONMENT. CHRIS DANIEL - Ex-District Clerk) FILING KNOWLEDGEABLE AND NOTICEABLE FALSE IMPRISONMENT DOCUMENTATION IN STATE RECORDS) KIM OGG - FILE MOTION SEEKING TO CONFINE ANY INNOCENT MAN SEEKING TO FIND SOMETHING TO FORCE REVENGE FOR RETALIATION FROM PAST CONVICTION. MICHAEL MCSARDEN - Ex-Judge Approving Motion.) MIKE STONE - Ineffective Counsel of Assistance.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) UNLAWFULLY CONFINEMENT

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
 WHEN I BECAME ARRESTED FROM MY HOUSE (WITHIN THE YEAR of July 13, 2016)
 @ 5:30pm - 6:00pm) - I- CONFINED AN INNOCENT MAN. UNLAWFULLY and INHUMANE.
- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.
 ONCE I BECAME A SLAVE TO THE SYSTEM THROUGH THIS FALSE IMPRISONMENT
 OF INVOLUNTARY CRUELTY by the LAW ENFORCEMENT of HARRIS COUNTY SHERIFF'S OFFICE

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- C. What date and approximate time did the events giving rise to your claim(s) occur?

July 13, 2016 @ approximate 5:30pm - 6:00pm.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

BECAME A VICTIM TO THE JUSTICE SYSTEM
LAW ENFORCEMENT (such as) SHERIFF'S Department; Houston Police TACTICS Force UNIT, FBI,
PERFORMED THE UNLAWFULLY, NEGLIGENT, CRIMINALIZE ACT'S; HAS A LAW OFFICIAL
to a (Good Samaritan) of SOCIETY. By I was still ~~FA~~ THROWN INTO JAIL - FROM THE AUTHORITY
IDE of KEMOGG, Former Judge McSpadden.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I HAVE BECOME DIAGNOSIS WITH HIGH DIABETES SINCE BECOMING A VICTIM TO
PAUSE IMPRISONMENT OF THE STATE OF TEXAS THROUGH THE HARRIS COUNTY SHERIFF'S
OFFICE.

I HAVE ALSO BEEN EXPOSED TO THE MOST DISTRESSFUL HEARTBROKEN
THROUGHTOUT SEVERAL PHYSICAL DEATH'S OF LOSING MY ENTIRE FAMILY
TREE.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

HELD ACCOUNTABLE FOR ACTION and PROVIDE JUSTICE TO THE PLAINTIFF

I AM REQUESTING THE AMOUNT OF 250 MILLION DOLLAR

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

HARRIS COUNTY SHERIFF'S OFFICE

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

REFUSING TO RELEASE AN INNOCENT MAN OR

PROVIDED REASONABLE EXPLANATION CONCERN CONFINEMENT

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility? *N/A*

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

HARRIS COUNTY SHERIFF'S OFFICE

2. What did you claim in your grievance? *Therefore, "said" COMPLAINT ARE BEING FILED AGAINST (Sheriff Ed Gonzalez) for the Violation of the United States Constitutional / Bill of Rights Amendment and State of Texas Constitutions Rights regarding The Criminal Offense of False Imprisonment, Cruelty, and Unusual Punishment Inflicted against an INNOCENT MAN ... For the LAST FEW YEARS INCARCERATION at H.C.S.O. I have been subject to endure much painful incarcerated experience due to the STRESSFUL DEATHS OF FAMILY MEMBERS. Throughout these UNLAWFUL IMMORAL CONFINEMENT by (SHERIFF ED GONZALEZ). Citing: 504 N.Y. S.2d 969 (Ct. Cl. 1996) (An similar situation of False Imprisonment).*

3. What was the result, if any?

UNKNOWN

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

STEP 1 (REMAIN PENDING)

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

- A) ~~KIM~~ ^{CB} KIM OGG - DISTRICT ATTORNEY
 B) CHRIS DANIEL - EX-DISTRICT CLERK
 C) MICHEAL MESPADDEN - EX-JUDGE
 D) MIKE STONE - ATTORNEY

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I SUBMITTED LETTERS TO EACH INDIVIDUAL LISTED ABOVE WITHOUT ANY REPLY.

I ALSO SEND A LETTER TO BE FILED WITH THE NEW DISTRICT CLERK and RECEIVED.
FILING APPROVAL FEBRUARY 7, 2019 @ 1:55pm 2019-09797 33304

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

ENCLOSED: LETTER / FILING TO MARILYN BURGESS

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) CORNELIUS BROWN

Defendant(s) KIM OGG; Ed Gonzalez, Michael McSpadden, Mike Stone, Chris Daniel, et al

2. Court (if federal court, name the district; if state court, name the county and State)

STATE COURT: HARRIS COUNTY: TEXAS

3. Docket or index number

CAUSE NO. 2019-09797

4. Name of Judge assigned to your case

Judge Name (Unknown) 333rd JUDICIAL DISTRICT

5. Approximate date of filing lawsuit

FEBRUARY 7, 2019

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

STILL PENDING

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

N/A

Defendant(s)

N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending? N/A

☐ Yes

☐ No

If no, give the approximate date of disposition

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3-7-19

Signature of Plaintiff

Cornelius Brown

Printed Name of Plaintiff

CORNELIUS BROWN

Prison Identification #

01060692

Prison Address

1200 BAKER STREETHOUSTON
CityTX
State77002
Zip Code

B. For Attorneys

Date of signing: N/A

Signature of Attorney

N/A

Printed Name of Attorney

N/A

Bar Number

N/A

Name of Law Firm

N/A

Address

N/AN/A
CityN/A
StateN/A
Zip Code

Telephone Number

N/A

E-mail Address

N/A

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name: CORNELIUS BROWN
SPN: 01060692 Cell: 5E1A
Street 1200 BAKER STREET
HOUSTON, TEXAS 77002



INDIGENT

United States Courts
Southern District of Texas
FILED

MAR 11 2019

David J. Bradley, Clerk of Court

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CLERK
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
P.O. Box 10101
Houston, Texas 77210

